



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 362 (Cy. 88)

2017 No. 362 (W. 88)

CAFFAEL TIR, CYMRU

**ACQUISITION OF LAND,
WALES**

**Rheoliadau Prynu Tir yn Orfodol
(Datganiadau Breinio) (Cymru)
2017**

**The Compulsory Purchase of Land
(Vesting Declarations) (Wales)
Regulations 2017**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn rhagnodi ffurfiau at ddibenion Deddf Prynu Gorfodol (Datganiadau Breinio) 1981 (p. 66) ("Deddf 1981") a deuant i rym ar 6 Ebrill 2017. Maent yn gymwys i brynu tir yn orfodol yng Nghymru.

Mae'r ffurfiau a ragnodir yn adlewyrchu'r newidiadau i'r weithdrefn datganiad breinio cyffredinol a wnaed gan Ran 7 o Ddeddf Tai a Chynllunio 2016 (p. 22).

Mae rheoliad 3(1)(a) yn darparu mai ffurf datganiad breinio cyffredinol, at ddibenion adran 4(1) o Ddeddf 1981, yw Ffurflen 1 yn yr Atodlen i'r Rheoliadau hyn (neu ffurflen y mae ei heffaith yn sylweddol debyg iddi).

Mae rheoliad 3(1)(b) yn darparu mai ffurf hysbysiad sy'n pennu'r tir ac yn datgan effaith datganiad breinio cyffredinol, at ddibenion adran 6(1) o Ddeddf 1981, yw Ffurflen 2 yn yr Atodlen i'r Rheoliadau hyn (neu ffurflen y mae ei heffaith yn sylweddol debyg iddi).

Mae rheoliad 4 yn dirymu gydag arbediad Rheoliadau Prynu Tir yn Orfodol (Datganiadau Breinio) 1990 (O.S. 1990/497) yng Nghymru.

Ni luniwyd asesiad effaith ar gyfer yr offeryn hwn, gan na ragwelir unrhyw effaith ar y sector preifat na'r sector gwirfoddol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe forms for the purposes of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) ("the 1981 Act") and come into force on 6 April 2017. They apply to the compulsory purchase of land in Wales.

The prescribed forms reflect the changes to the general vesting declaration procedure made by Part 7 of the Housing and Planning Act 2016 (c. 22).

Regulation 3(1)(a) provides that, for the purposes of section 4(1) of the 1981 Act, the form of a general vesting declaration is Form 1 in the Schedule to these Regulations (or a form substantially to the same effect).

Regulation 3(1)(b) provides that, for the purposes of section 6(1) of the 1981 Act, the form of notice specifying the land and stating the effect of a general vesting declaration is Form 2 in the Schedule to these Regulations (or a form substantially to the same effect).

Regulation 4 revokes with saving the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990 (S.I. 1990/497) in Wales.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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**The Compulsory Purchase of Land
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Gwnaed 8 Mawrth 2017
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 14 Mawrth 2017
Yn dod i rym 6 Ebrill 2017

Made 8 March 2017
Laid before the National Assembly for Wales
14 March 2017
Coming into force 6 April 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 2(1), 4 a 6 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981(2), ac sy'n arferadwy bellach ganddynt hwy(3), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 2(1), 4 and 6 of the Compulsory Purchase (Vesting Declarations) Act 1981(2) and now exercisable by them(3), make the following Regulations:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Prynu Tir yn Orfodol (Datganiadau Breinio) (Cymru) 2017, a deuant i rym ar 6 Ebrill 2017.

(2) Mae'r Rheoliadau hyn yn gymwys o ran prynu tir yn orfodol yng Nghymru.

Title, commencement and application

1.—(1) The title of these Regulations is the Compulsory Purchase of Land (Vesting Declarations) (Wales) Regulations 2017 and they come into force on 6 April 2017.

(2) These Regulations apply in relation to the compulsory purchase of land in Wales.

(1) Gweler y diffiniad o "prescribed" yn is-adran (1).
(2) 1981 p. 66. Diwygiwyd adran 4(1) gan adran 184 o Ddeddf Tai a Chynllunio 2016 (p. 22). Diwygiwyd adran 6(1) gan adran 183 o'r Ddeddf honno, a pharagraffau 4 a 7 o Atodlen 15 iddi.
(3) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), gweler yr eitem yn Atodlen 1 ar gyfer Deddf Prynu Gorfodol (Datganiadau Breinio) 1981. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(1) See the definition of "prescribed" in subsection (1).
(2) 1981 c. 66. Section 4(1) was amended by section 184 of the Housing and Planning Act 2016 (c. 22). Section 6(1) was amended by section 183 of, and paragraphs 4 and 7 of Schedule 15 to, that Act.
(3) The functions of the Secretary of State so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the entry in Schedule 1 for the Compulsory Purchase (Vesting Declarations) Act 1981. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “deddfiad arbennig” (“*special enactment*”) yw—

- (a) Deddf leol neu breifat sy'n awdurdodi prynu tir yn orfodol a nodwyd yn benodol yn y Ddeddf honno, neu
- (b) darpariaeth sydd—
 - (i) wedi ei chynnwys mewn Deddf ac eithrio Deddf leol neu breifat, a
 - (ii) yn awdurdodi prynu tir yn orfodol a nodwyd yn benodol yn y Ddeddf honno;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Prynu Gorfodol (Datganiadau Breinio) 1981; ac

ystyr “gorchymyn perthnasol” (“*relevant order*”) yw gorchymyn sy'n darparu bod y Ddeddf i fod yn gymwys i brynu tir yn orfodol y mae'n ei awdurdodi fel petai'r gorchymyn yn orchymyn prynu gorfodol.

(2) At ddibenion y Rheoliadau hyn, mae pryniant gorfodol wedi ei awdurdodi—

- (a) gan orchymyn prynu gorfodol, ar y diwrnod y caiff y gorchymyn ei gadarnhau gan Weinidog neu Weinidogion Cymru neu awdurdod arall, neu ei wneud gan Weinidog neu Weinidogion Cymru;
- (b) gan orchymyn o dan adran 1 neu 3 o Ddeddf Trafnidiaeth a Gweithfeydd 1992(1), ar y diwrnod y mae'r Ysgrifennydd Gwladol neu Weinidogion Cymru yn penderfynu gwneud y gorchymyn o dan adran 13(1) o'r Ddeddf honno;
- (c) gan orchymyn adolygu harbwr, gorchymyn grymuso harbwr neu orchymyn cau harbwr o dan Ddeddf Harbyrau 1964(2), ar y diwrnod y gwneir y gorchymyn gan y Gweinidog

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Compulsory Purchase (Vesting Declarations) Act 1981;

“relevant order” (“*gorchymyn perthnasol*”) means an order which provides that the Act is to apply to the compulsory purchase of land which it authorises as if the order were a compulsory purchase order; and

“special enactment” (“*deddfiad arbennig*”) means—

- (a) a local or private Act which authorises the compulsory purchase of land specifically identified in that Act, or
- (b) a provision which—
 - (i) is contained in an Act other than a local or private Act, and
 - (ii) authorises the compulsory purchase of land specifically identified in that Act.

(2) For the purposes of these Regulations, a compulsory purchase is authorised—

- (a) by a compulsory purchase order, on the day on which the order is confirmed by a Minister or the Welsh Ministers or another authority, or made by a Minister or the Welsh Ministers;
- (b) by an order under section 1 or 3 of the Transport and Works Act 1992(1), on the day on which the Secretary of State or the Welsh Ministers determine under section 13(1) of that Act to make the order;
- (c) by a harbour revision order, a harbour empowerment order or a harbour closure order under the Harbours Act 1964(2), on the day on which the order is made by the

(1) 1992 p. 42. Gall gorchymyn a wneir o dan adran 1 neu 3 o Ddeddf Trafnidiaeth a Gweithfeydd 1992 awdurdodi caffael tir yn orfodol, gweler adran 5 o'r Ddeddf honno, a pharagraff 3 o Atodlen 1 iddi. Trosglwyddwyd swyddogaethau gwneud gorchymynion o dan adrannau 1 a 3 i Gynulliad Cenedlaethol Cymru ac eithrio pan fyddai unrhyw orchymyn o'r fath yn cael effaith yng Nghymru a Lloegr, gweler erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, a'r eitem ar gyfer Deddf Trafnidiaeth a Gweithfeydd 1992 yn Atodlen 1 iddi. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.

(2) 1964 p. 40. Gall gorchymyn o dan Ddeddf Harbyrau 1964 awdurdodi caffael tir yn orfodol, gweler adrannau 14 ac 16 o'r Ddeddf honno.

(1) 1992 c. 42. An order made under section 1 or 3 of the Transport and Works Act 1992 can authorise the compulsory acquisition of land, see section 5 of, and paragraph 3 of Schedule 1 to, that Act. Order-making functions under sections 1 and 3 were transferred to the National Assembly for Wales except where any such order would have effect both in Wales and England, see article 2 of, and the entry for the Transport and Works Act 1992 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

(2) 1964 c. 40. An order under the Harbours Act 1964 can authorise the compulsory acquisition of land, see sections 14 and 16 of that Act.

priodol(1) neu Weinidogion Cymru neu berson sydd wedi ei ddynodi mewn gorchymyn a wnaed o dan adran 42A(2) o'r Ddeddf honno;

- (d) gan unrhyw orchymyn perthnasol arall, ar y diwrnod y gwneir y gorchymyn gan Weinidog neu Weinidogion Cymru; neu
- (e) gan ddeddfiad arbennig(3), ar y diwrnod y deddfir y deddfiad arbennig.

Ffurfiâu rhagnodedig mewn cysylltiad â datganiadau breinio cyffredinol

3.—(1) Mewn perthynas â phrynu tir yn orfodol a awdurdodir ar neu ar ôl 6 Ebrill 2017 —

- (a) at ddibenion adran 4(1) o'r Ddeddf, ffurf ragnodedig datganiad breinio cyffredinol yw Ffurflen 1;
- (b) at ddibenion adran 6(1) o'r Ddeddf, ffurf ragnodedig hysbysiad sy'n pennu'r tir ac sy'n datgan effaith datganiad breinio cyffredinol yw Ffurflen 2.

(2) Mae'r cyfeiriadau yn y rheoliad hwn at ffurflen â rhif yn gyfeiriadau at y ffurflen sy'n dwyn y rhif hwnnw yn yr Atodlen neu at ffurflen y mae ei heffaith yn sylweddol debyg iddi.

Dirymu ac arbed

4.—(1) Yn ddarostyngedig i baragraff (2), mae Rheoliadau Prynu Tir yn Orfodol (Datganiadau Breinio) 1990(4) wedi eu dirymu o ran Cymru.

(2) Mae'r Rheoliadau a grybwyllwyd ym mharagraff (1) yn parhau i gael effaith mewn perthynas â phrynu tir yn orfodol a awdurdodir cyn ^ Ebrill 2017.

Lesley Griffiths

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru
8 Mawrth 2017

appropriate Minister(1) or the Welsh Ministers or a person who is designated in an order made under section 42A(2) of that Act;

- (d) by any other relevant order, on the day on which the order is made by a Minister or the Welsh Ministers; or
- (e) by a special enactment(3), on the day on which the special enactment is enacted.

Prescribed forms in connection with general vesting declarations

3.—(1) In relation to a compulsory purchase of land which is authorised on or after 6 April 2017—

- (a) for the purposes of section 4(1) of the Act, the prescribed form of general vesting declaration is Form 1;
- (b) for the purposes of section 6(1) of the Act, the prescribed form of notice specifying the land and stating the effect of a general vesting declaration is Form 2.

(2) The references in this regulation to a numbered form are references to the form bearing that number in the Schedule or to a form substantially to the same effect as that form.

Revocation and saving

4.—(1) Subject to paragraph (2), the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990(4) are revoked in relation to Wales.

(2) The Regulations mentioned in paragraph (1) continue to have effect in relation to a compulsory purchase of land which is authorised before 6 April 2017.

Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers
8 March 2017

(1) I gael y diffiniad o "the appropriate Minister" gweler adrannau 14(7) a 15(3) o Ddeddf Harbyrau 1964. Mae swyddogaethau o dan y Ddeddf honno yn arferadwy gan Weinidogion Cymru i'r graddau y maent yn ymwneud â harbyrau pysgodfeydd, gweler yr eitem ar gyfer y Ddeddf honno yn Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999. Diwygiwyd yr eitem honno gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) a pharagraff 1 o Atodlen 3 iddi. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.

(2) Mewnosodwyd adran 42A gan adran 315 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23), a pharagraffau 1 a 3(1) o Atodlen 21 iddi.

(3) Caiiff deddfiad arbennig ddarparu bod y Ddeddf yn gymwys fel petai'r deddfiad yn orchymyn prynu gorfodol.

(4) O.S. 1990/497.

(1) For "the appropriate Minister" see sections 14(7) and 15(3) of the Harbours Act 1964. Functions under that Act are exercisable by the Welsh Ministers so far as they relate to fishery harbours, see the entry for that Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. That entry was amended by article 4 of, and paragraph 1 of Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

(2) Section 42A was inserted by section 315 of, and paragraphs 1 and 3(1) of Schedule 21 to, the Marine and Coastal Access Act 2009 (c. 23).

(3) A special enactment may provide that the Act applies as if the enactment were a compulsory purchase order.

(4) S.I. 1990/497.

ATODLEN 1

Ffurflen 1

Rheoliad 3(1)(a)

Ffurflen datganiad breinio cyffredinol

Gwneir y DATGANIAD BREINIO CYFFREDINOL hwn ar y ... dydd o ...
... 20... gan ... (a) ("yr Awdurdod").

YN GYMAINT Â BOD:

(1) Ar ... 20... gorchymyn â'r teitl ... wedi'i (wneud)
(gadarnhau) gan ... (b) o dan y pwerau a drosglwyddwyd iddynt o dan Ddeddf
.....(c) yn awdurdodi'r Awdurdod i gaffael y tir a bennwyd yn yr Atodlen at hyn.

(2) Cyhoeddwyd hysbysiad [cadarnhau] [gwneud] y gorchymyn gyntaf yn unol ag [adran 15 o Ddeddf
Caffael Tir 1981] [paragraff 6 o Atodlen 1 i Ddeddf Caffael Tir 1981] (d) ar ... 20..

(3) Roedd yr hysbysiad hwnnw'n cynnwys y datganiad a'r ffurflen a ragnodwyd o dan [Adran
15(4)(e) ac (f) o Ddeddf Caffael Tir 1981] [paragraff 6(4)(e) ac (f) o Atodlen 1 i Ddeddf Caffael Tir
1981] (e)

YN AWR TYSTIA'R WEITHRED HON, wrth weithredu'r pwerau a drosglwyddwyd iddynt drwy
adran 4 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981("y Ddeddf"), fod yr Awdurdod drwy
hyn yn datgan --

(1.) Y bydd y tir a ddisgrifir yn (Rhan 1 o ff) yr Atodlen at hyn (sef [yr holl dir] [rhan o'r tir] yr
awdurdodwyd ei gaffael drwy'r gorchymyn) ac yn fwy penodol sydd wedi'i farcio ar y cynllun a
atodwyd at hyn ynghyd â'r hawl i fynd ar y tir a'i feddiannu yn cael ei freinio i'r Awdurdod o
ddiwedd y cyfnod o [rhowch gyfnod o 3 mis neu hwy] o'r dyddiad pan gwblheir cyflwyno'r
hysbysiaid sy'n ofynnol o dan adran 6 o'r Ddeddf.

(2.) At ddibenion adran 2(2) o'r Ddeddf, y cyfnod penodedig [yng nghyswllt y tir sydd wedi'i
gynnwys yn y datganiad hwn yw... o flynyddoedd a misoedd] [yng nghyswllt pob ardal
o dir a bennir yng ngholofn 1 o Ran 2 o'r Atodlen at hyn yw hwnnw sy'n cael ei ddatgan ar gyfer yr
ardal honno yng ngholofn 2].

ATODLEN

(g) ...

NODIADAU AM DDEFNYDDIO FFURFLEN 1

(a) Rhowch enw'r awdurdod caffael.

(b) Rhowch enw'r awdurdod cadarnhau neu, os yw'r gorchymyn wedi'i wneud gan Weinidog, enw'r
Gweinidog hwnnw.

(c) Rhowch deitl y Ddeddf sy'n awdurdodi'r prynu gorfodol.

(d) Os cyhoeddwyd yr hysbysiad o dan weithdrefn a ragnodir o dan ryw ddarpariaeth arall, cyfeiriwch yn hytrach at y ddarpariaeth honno.

(e) Os cyhoeddwyd yr hysbysiad o dan weithdrefn a ragnodir o dan ddarpariaeth arall (h.y. nid o dan Ddeddf Caffael Tir 1981,) cyfeiriwch at y ddarpariaeth a oedd yn ei gwneud yn ofynnol i'r hysbysiad gynnwys datganiad rhagnodedig am effaith Rhannau 2 a 3 Deddf Prynu Gorfodol (Datganiadau Breinio) 1981 a ffurflen rhagnodedig ar gyfer rhoi gwybodaeth i'r awdurdod sy'n caffael.

(f) Dylid rhannu'r Atodlen yn Rhan 1 a Rhan 2 os bydd gofyn cael Rhan 2 at ddibenion ymadrodd olaf Cymal 2 o'r datganiad. Ceir hepgor Cymal 2, dan unrhyw amgylchiad, os nad oes tenantiaeth hir sydd ar fin dod i ben. Gweler adran 2(2) o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 ynglŷn â hyn.

(g) Dylid gwneud y datganiad o dan sêl, a'i ddilysu a'i ddyddio'n briodol.

Ffurflen 2

Reheoliad 3(1)(b)

Ffurflen Hysbysiad yn pennu'r tir ac yn datgan effaith datganiad breinio cyffredinol

Gorchymyn Prynu Gorfodol 20

I:

O:

RHODDIR HYSBYSIAD DRWY HYN bod y (“y.....”) (a) ar
..... 20..... wedi gweithredu datganiad breinio cyffredinol o dan adran 4 o Ddeddf
Prynu Gorfodol (Datganiadau Breinio) 1981 (“y Ddeddf”) yn breinio'r tir sy'n cael ei ddisgrifio yn yr
Atodlen i'r hysbysiad hwn (“y tir”) ynddynt hwy eu hunain o ddiwedd y cyfnod o [*rhowch gyfnod o 3
mis neu hwy*] o'r dyddiad pan gwblheir cyflwyno'r hysbysiadau sy'n ofynnol o dan adran 6 o'r
Ddeddf.

Bydd y..... (a) yn rhoi gwybod ichi maes o law ar ba ddyddiad y cwblhawyd cyflwyno'r
hysbysiadau.

Bydd effaith y datganiad breinio cyffredinol fel a ganlyn:--

Ar y diwrnod cyntaf ar ôl diwedd y cyfnod y cyfeirir ato ym mharagraff cyntaf yr hysbysiad hwn (“y
dyddiad breinio”) bydd y tir, ynghyd â'r hawl i fynd arno a'i feddiannu, wedi'i freinio yn y
..... (a).

Hefyd, ar y diwrnod breinio, bydd y Deddfau sy'n darparu ar gyfer iawndal yn berthnasol fel pe bai, ar
y diwrnod pan roddwyd y datganiad breinio cyffredinol ar waith (sef, 20.....
.....), hysbysiad i drafod telerau wedi'i gyflwyno i bob person y gallai'r (a) fod wedi
cyflwyno hysbysiad o'r fath iddo, o dan adran 5 o Ddeddf Prynu Gorfodol 1965, (ac eithrio unrhyw
person sydd â'r hawl i “fân denantiaeth” neu “denantiaeth hir” sydd ar fin dod i ben. Diffinnir yr
ymadroddion hyn yn Atodiad A i'r hysbysiad hwn).

Os yw'r tir yn cynnwys unrhyw dir lle mae mân denantiaeth neu denantiaeth hir sydd ar fin dod i ben,
ni fydd modd rhoi'r hawl mynediad ar waith gyda golwg ar y tir hwnnw, ac eithrio, ar ôl cyflwyno
hysbysiad i drafod telerau yng nghyswllt y denantiaeth honno, bod..... (a) ar ôl cyflwyno
i bob meddiannydd ar unrhyw dir lle mae'r denantiaeth yn bodoli, hysbysiad yn dweud, ar ddiwedd
cyfnod penodedig (o leiaf 3 mis ar ôl dyddiad cyflwyno'r hysbysiad), eu bod yn bwriadu mynd ar y tir

sydd wedi'i bennu yn yr hysbysiad a'i feddiannu, a bod y cyfnod hwnnw wedi dod i ben: yna bydd breinio'r tir yn ddarostyngedig i'r denantiaeth nes i'r cyfnod hwnnw ddod i ben, neu nes i'r denantiaeth ddod i ben, pa un bynnag sy'n digwydd gyntaf.

Mae Atodlenni 1A ac 1 i'r Ddeddf yn cynnwys darpariaethau atodol ynglŷn â'r datganiadau breinio cyffredinol. Os cyflwynir gwrth-hysbysiad o dan baragraff 2 o Atodlen A1 o fewn y cyfnod y cyfeirir ato ym mharagraff cyntaf yr hysbysiad hwn, bydd y dyddiad breinio ar gyfer y tir y cyfeirir ato yn y gwrth-hysbysiad yn cael ei bennu'n unol a'r Atodlen honno. Mae darpariaethau Atodlenni A ac 1 wedi'u nodi yn Atodiad B i'r hysbysiad hwn.

Mae copi o'r datganiad breinio cyffredinol y mae'r hysbysiad hwn yn cyfeirio ato ac o'r cynllun sydd wedi'u hatodi wrth y datganiad ar gael i'w harchwilio yn... .. (b) ac mae modd eu gweld ar bob awr resymol.

ATODLEN

[Disgrifiad o'r tir wedi'i dynnu o'r Atodlen i'r datganiad breinio cyffredinol]

Atodiad A

[Nodwch yma'r diffiniadau o "fan denantiaeth" a "thenantiaeth hir sydd ar fin dod i ben" yn adran 2(1) a (2) o'r Ddeddf].

Atodiad B

[Rhowch Atodlenni 1A ac 1 i'r Ddeddf yma]

[Dyddiad a llofnod]

NODIADAU AM DDEFNYDDIO FFURFLEN 2

(a) Rhowch enw'r awdurdod a'i ddiffinio drwy ddefnyddio term priodol. Yna, defnyddiwch y diffiniad hwnnw pa bryd bynnag y bydd "(a)" yn ymddangos yn y testun.

(b) Rhowch gyfeiriad y swyddfa lle mae modd archwilio'r dogfennau.

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Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

SCHEDULE 1

FORM 1

Regulation 3(1)(a)

Form of general vesting declaration

This GENERAL VESTING DECLARATION is made the day of 20. by (a) (“the Authority”).

WHEREAS:

(1) On 20. an order entitled the was (made) (confirmed) by (b) under the powers conferred on them by the Act (c) authorising the Authority to acquire the land specified in the Schedule hereto.

(2) Notice of the [confirmation] [making] of the order was first published in accordance with [section 15 of the Acquisition of Land Act 1981] [paragraph 6 of Schedule 1 to the Acquisition of Land Act 1981] (d) on 20..

(3) That notice included the statement and form prescribed under [section 15(4)(e) and (f) of the Acquisition of Land Act 1981] [paragraph 6(4)(e) and (f) of Schedule 1 to the Acquisition of Land Act 1981] (e)

NOW THIS DEED WITNESSETH that, in exercise of the powers conferred on them by section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (“the Act”), the Authority hereby declare--

(1.) The land described in (Part 1 of (f)) the Schedule hereto (being [the whole] [part] of the land authorised to be acquired by the order) and more particularly delineated on the plan annexed hereto, together with the right to enter upon and take possession of the land shall vest in the Authority as from the end of the period of [insert period of 3 months or longer] from the date on which the service of notices required by section 6 of the Act is completed.

(2.) For the purposes of section 2(2) of the Act, the specified period [in relation to the land comprised in this declaration is years and months] [in relation to each area of land specified in column 1 of Part 2 of the Schedule hereto is that stated with respect to that area in column 2].

SCHEDULE

(g) . . .

NOTES ON USE OF FORM 1

(a) Insert the name of the acquiring authority.

(b) Insert the name of the confirming authority or, where the order was made by a Minister, that Minister.

(c) Insert the title of the Act authorising compulsory purchase.

(d) Where the notice was published under a procedure prescribed by some other provision refer instead to that provision.

(e) Where the notice was published under a procedure prescribed by some other provision (i.e. not under the Acquisition of Land Act 1981), refer to the provision which required the notice to include a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 and a prescribed form for giving information to the acquiring authority.

(f) The Schedule should be divided into Part 1 and Part 2 where Part 2 is required for the purpose of the final phrase of Clause 2 of the declaration. Clause 2 may, in any event, be omitted where there is no “long tenancy about to expire”, as to which see section 2(2) of the Compulsory Purchase (Vesting Declarations) Act 1981.

(g) The declaration should be made under seal, duly authenticated and dated.

FORM 2

Regulation 3(1)(b)

Form of Notice specifying land and stating effect of general vesting declaration

The Compulsory Purchase Order 20

To:

of:

NOTICE IS HEREBY GIVEN that the (“the”) (a) on 20.. .. . executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (“the Act”) vesting the land described in the Schedule to this notice (“the land”) in themselves as from the end of the period of [*insert period of 3 months or longer*] from the date on which the service of the notices required by section 6 of the Act is completed.

The (a) will in due course tell you the date on which the service of the notices was completed.

The effect of the general vesting declaration is as follows:--

On the first day after the end of the period referred to in the first paragraph of this notice (“the vesting date”) the land, together with the right to enter upon and take possession of it, will vest in the (a).

Also, on the vesting date the Acts providing for compensation will apply as if, on the date on which the general vesting declaration was executed (namely, 20.. .. .), a notice to treat had been served on every person on whom, under section 5 of the Compulsory Purchase Act 1965, the (a) could have served such a notice (other than any person entitled to a “minor tenancy” or a “long tenancy” which is about to expire. These expressions are defined in Appendix A to this notice).

If the land includes any land in which there is a minor tenancy or a long tenancy which is about to expire, the right of entry will not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the (a) having served on every occupier of any of the land in which the tenancy subsists, a notice stating that, at the end of a specified period (at least 3 months from the date of the service of the notice), they intend to enter upon and take possession of the land specified in the notice, and that period has expired: the vesting of the land will then be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever happens first.

Schedules A1 and 1 to the Act contain supplementary provisions as to general vesting declarations. If a counter-notice is served under paragraph 2 of Schedule A1 within the period referred to in the first paragraph of this notice, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with that Schedule. The provisions of Schedules A1 and 1 are set out in Appendix B to this notice.

A copy of the general vesting declaration to which this notice refers and of the plan annexed to the declaration can be inspected at (b) and may be seen at all reasonable hours.

SCHEDULE

[Description of the land taken from the Schedule to the general vesting declaration]

Appendix A

[Here set out the definitions of “minor tenancy” and “long tenancy which is about to expire” in section 2(1) and (2) of the Act].

Appendix B

[Here set out Schedules A1 and 1 to the Act]

[Date and signature]

NOTES ON USE OF FORM 2

(a) Insert the name of the authority, and define them by an appropriate term. Thereafter rely on that definition wherever “(a)” appears in the text.

(b) Insert address of the office where documents may be inspected.

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WELSH STATUTORY
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2017 Rhif 362 (Cy. 88)

2017 No. 362 (W. 88)

CAFFAEL TIR, CYMRU

**ACQUISITION OF LAND,
WALES**

Rheoliadau Prynu Tir yn Orfodol
(Datganiadau Breinio) (Cymru)
2017

The Compulsory Purchase of Land
(Vesting Declarations) (Wales)
Regulations 2017

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